

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7228

BILL NUMBER: SB 341

NOTE PREPARED: Jan 31, 2005

BILL AMENDED: Jan 31, 2005

SUBJECT: Various Election Law Matters.

FIRST AUTHOR: Sen. Lawson C

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X **GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

(A) The bill authorizes imposition of civil penalties on precinct election officers who fail to perform their duties.

(B) The bill establishes a certified election worker program for education of precinct election officers and county election officials.

(C) The bill resolves a conflict in current law regarding voting in municipal elections by voters who no longer reside in a municipality.

(D) The bill permits a county voter registration office to update a voter's registration record by examining the poll list after election day to determine if certain first time voters have submitted documentation required under the Help America Vote Act.

(E) The bill specifies when affidavits executed by certain challenged voters are required to be forwarded by the county election board to the prosecuting attorney.

(F) The bill makes various changes to election law relating to the following: (1) Appeal of county election board decisions. (2) Precinct election officer status, training, and duties. (3) Identification of challengers, watchers, and pollbook holders. (4) Town convention procedures. (5) Listing of names of candidates on the ballot. (6) Requirements for the numbers of ballots provided to precincts. (7) Handling of ballots and other election

materials. (8) Location of precincts. (9) Preparation of the polls. (10) Location of challengers. (11) Resolution of tie votes in elections for certain offices. (12) Filling candidate vacancies. (13) Filing petitions of nomination for school board elections. Repeals obsolete provisions.

Effective Date: Upon passage; July 1, 2005.

Explanation of State Expenditures: (B) Under the bill, the Secretary of State would be required to administer a program for the certification of election workers. The SOS would have the discretion to establish procedures and requirements for the certification and the satisfactory completion of the program.

The bill does not specify if staff from the Secretary of State's Office would be required to conduct the program for precinct election officers.

No appropriation accompanies this provision. The funds and resources required above could be supplied through a variety of sources, including the following: (1) existing staff and resources not currently being used to capacity; (2) existing staff and resources currently being used in another program; (3) authorized, but vacant, staff positions, including those positions that would need to be reclassified; (4) funds that, otherwise, would be reverted; or (5) new appropriations. The Secretary of State's Office reverted \$5,291 to the state General Fund in FY 2004. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions.

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) *Summary:* Several provisions of the bill would likely increase the administrative responsibility of the county and local election authorities. Specifically, (D)(2) could affect the amount of ballots purchased. If fewer ballots are required, there would be a savings to the county clerk's office. The impact of this provision would depend on local action.

(B) If local election officials were charged with conducting the proposed certification program for precinct election workers, they would likely have increased administrative responsibilities.

(D) This provision may require additional administrative time to check if a voter submitted proper documentation. It is likely, the county voter registration office would be able meet this requirement within existing staff and resources.

(C) & (E) The county election board would likely be able to forward the required documents, under the bill, within existing staff and resources.

(F)(8) This provision would allow, under unanimous consent of a county election board, for precincts to be combined in the instance where a precinct does not have an accessible facility within its borders. In addition, the provision would allow a precinct to hold its polls, with approval of the county election board of the host county, in an accessible precinct of another county. This provision could provide a cost savings to the counties involved with such an arrangement.

(F)(11) This provision could reduce the number of special elections for certain offices (circuit office, or school board offices.)

Background: Expenses to run an election include: precinct election board per diem, rental of a facility for

polling (if necessary), and/or voting equipment (if necessary.) Based on a small sample of Indiana counties, per diem for election board members range from \$65 to \$150 for inspectors and from \$40 to \$100 for judges, clerks, and sheriffs.

Explanation of Local Revenues: (A) Under the bill, a precinct election officer that failed to perform an election duty would be assessed a civil penalty, if so warranted by the unanimous vote of the county election board. The civil penalty imposed by the board would not exceed \$500. The bill does not specify where the revenue would be deposited. Generally, under current law, county election law civil penalties are placed in the county campaign finance enforcement account. An precinct election officer assessed a civil penalty under this provision, would have the ability to appeal the board's decision to the circuit court.

State Agencies Affected: Office of the Secretary of State.

Local Agencies Affected: County election boards, precinct election boards.

Information Sources: LSA sample of counties.

Fiscal Analyst: Chris Baker, 317-232-9851.